

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH S. PIGOTT,)	CASE NO.: C07-0599-JCC-MAT
)	
Petitioner,)	
)	
v.)	ORDER DENYING PLAINTIFF'S
)	MOTION FOR LEAVE TO
RICHARD MORGAN,)	CONDUCT DISCOVERY AND
)	APPOINTMENT OF COUNSEL
Respondent.)	
_____)	

Petitioner, who is incarcerated in the Prairie Correctional Facility in Appleton, Wisconsin, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging a conviction entered against him by a Washington state court. (Dkt. #4). Respondent has filed an answer to the habeas petition. (Dkt. #26). Petitioner has also filed a motion seeking leave to conduct discovery and also appointment of counsel. (Dkt. #31). Respondent has filed a response to the motion, and petitioner has filed a reply. (Dkt. #33, #35). Having reviewed the motion, response, and reply, the Court does hereby ORDER as follows:

(1) Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts provides that a federal court may grant leave to conduct discovery if a party shows "good

ORDER DENYING PLAINTIFF'S MOTION
FOR LEAVE TO CONDUCT DISCOVERY AND
APPOINTMENT OF COUNSEL
PAGE -1

01 cause.” See Rule 6(a), Rules Governing Section 2254 Cases in the United States District Courts.
02 Petitioner has not met this standard. His motion seeks leave to ask the Attorney General of
03 Washington, who is not a party to this action, questions that are either improper or irrelevant.
04 (Dkt. #31, Ex. A). Accordingly, plaintiff’s motion for leave to conduct discovery (Dkt. #31) is
05 DENIED.

06 (2) Petitioner’s motion for appointment of counsel is the second such request made
07 by petitioner. Previously, the Court denied petitioner’s first request. (Dkt. #10). Petitioner has
08 not presented any new legal or factual argument why counsel should be appointed. Accordingly,
09 petitioner’s motion for appointment of counsel (Dkt. #31) is DENIED.

10 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for
11 respondent, and to the Hon. John C. Coughenour.

12 DATED this 20th day of July, 2007.

13
14 
15 Mary Alice Theiler
16 United States Magistrate Judge
17
18
19
20
21
22